



OFFICE OF ATTORNEY GENERAL
CONSUMER PROTECTION AND ANTITRUST DIVISION
GATEWAY PROFESSIONAL CENTER
1050 E INTERSTATE AVENUE, STE 200
BISMARCK, NORTH DAKOTA 58503-5574

701-328-5570 (Telephone)
701-328-5568 (Facsimile)



STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL

STATE OF NORTH DAKOTA EX REL.
WAYNE STENEHJEM,
ATTORNEY GENERAL,

Petitioner,

-VS-

C & G MARKETING ASSOCIATES, LLC,
CG MARKETING ASSOCIATES LTD,
dba PREMIER TIMESHARE SOLUTIONS;
JOSE GOYOS aka JOSE MANUEL
GOYOS, Individually; KRISTINA
CAMERON, Individually;
PREMIERTIMESHARESOLUTIONS.COM

Respondents.

**CEASE AND DESIST ORDER,
NOTICE OF CIVIL PENALTY
AND NOTICE OF RIGHT
TO REQUEST A HEARING**

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**To each of the individuals and entities identified below (hereinafter collectively
"Respondents"):**

C & G Marketing Associates, LLC
CG Marketing Associates LTD
dba Premier Timeshare Solutions
4400 Northcorp Parkway
Palm Beach Gardens, FL 33410-4272
and
2000 Palm Beach Lakes Blvd, Ste 203
Palm Beach Gardens, FL 33409
and
141 Via Rosina
Jupiter, FL 33458
and

124 Surrey Crescent
Moorside, County Durham
Consett DH8 8DF
United Kingdom
www.premiertimesharesolutions.com
info@premiertimesharesolutions.com
877-470-4779
561-478-4775
and
c/o Jose M. Goyos
4400 Northcorp Parkway
Palm Beach Gardens FL 33410-4272

Jose Goyos
aka Jose Manuel Goyos
151 Via Rosina
Jupiter, FL 33458
561-317-1621
jmgoyos@yahoo.com

Kristina Cameron
2404 Holly Lane
Palm Beach Gardens, FL. 33410

(including all of those entities' officers, directors, owners, agents, servants, employees and representatives as well as all other persons in active concert or participation with them, extending to all "doing business as" names, formal corporate names, fictitious names of any kind or any variations of the same)

BACKGROUND

1. The Attorney General of North Dakota has a reasonable basis to believe Respondents have engaged in and are engaging in acts or practices declared unlawful by N.D.C.C. ch. 51-15, commonly referred to as the "Consumer Fraud Law;" N.D.C.C. ch. 51-18, commonly referred to as the "Home Solicitation Sales Law;" and N.D.C.C. ch. 51-28, commonly referred to as the "Do Not Call Law." It is necessary and appropriate in the public interest and for the protection of consumers to restrain the Respondents' unlawful acts or practices.

2. Respondents, individually and by and through their agents, are doing business under some or all of the names identified above and have engaged in violations of North Dakota's Consumer Fraud Law by making false or misleading statements or misrepresentations in telephone solicitations aimed at consumers nationwide, including North Dakota consumers.

3. C & G Marketing Associates, LLC is a Florida Limited Liability Company with its principal place of business located at 2000 Palm Beach Lakes Blvd., Ste. 203, Palm Beach Gardens, Florida 33409, and with a mailing address of 4400 Northcorp Parkway, Palm Beach Gardens, Florida 33410. C & G Marketing Associates, LLC registered agent is Jose M. Goyos of 7601 of 4400 Northcorp Parkway, Palm Beach Gardens, Florida 33410. Jose M. Goyos of 151 Via Rosina, Jupiter, Florida 33458, is the managing member of C & G Marketing Associates, LLC. Until November 2009 Kristina R. Cameron of 2404 Holly Lane, Palm Beach Gardens, Florida 33410 was the only other managing member of C & G Marketing Associates, LLC. Kristina R. Cameron resigned as a managing member of C & G Marketing Associates, LLC on November 2, 2009. C & G Marketing Associates, LLC is registered with the Florida Secretary of State as the owner of the fictitious name Premier Timeshare Solutions.

4. Respondents are doing business as and operate a website named premiertimesolutions.com. Through this website, Respondents provide listings of timeshare properties. Respondents' website lists many timeshare properties and sets forth an itemized listing of the property with a minimal description of the property, simply stating the number of bedrooms and baths, and the sale price. Respondents' website requests that customers in the United States contact them at C & G Marketing Associates, LLC mailing address of 4400 Northcorp Parkway, Palm Beach Gardens,

Flordia 33410. Respondents' website also states that they are owed by CG and Associates Ltd. of 124 Surrey Crescent, Moorside, County Durham, Consett DH8 8DF, United Kingdom.

5. Respondents are doing business in North Dakota under the name Premier Timeshare Solutions. Respondents are in the business of advertising, soliciting and selling merchandise, including timeshare property listings, memberships, or other services related to the sale of timeshare properties in the State of North Dakota and nationwide. Respondents primarily solicit customers through telemarketing.

6. Respondents have made untrue, deceptive and misleading representations to consumers and used false pretenses by calling consumers and representing that Respondents have a buyer for the consumers' timeshare properties. Respondents make false promises to consumers by stating that they can guarantee the sale of the timeshare. After engaging in such deceptive acts and practices Respondents then solicit payment from the consumer to sell the timeshare property.

7. After receiving payment Respondents do not sell the consumers' timeshare properties, as promised to the consumers. Respondents either do not answer consumers' telephone calls or Respondents' voicemail inbox is full and consumers are unable to leave messages. If consumers successfully contact Respondents, then Respondents inform consumers there have been issues with the buyer and the sale of the consumers' timeshare properties will be closed soon. Petitioner alleges Respondents misrepresented to consumers that Respondents had buyers waiting to buy the consumers' properties at the time of the calls, and then continued to misrepresent to consumers that the sale would occur at a later date.

8. Respondents have made untrue, deceptive and misleading representations, and/or have made or engaged in deceptive acts or practices, fraud, false pretenses, false promises or misrepresentations with the intent that others rely thereon, in violation of N.D.C.C. ch. 51-15, the Consumer Fraud Law.

9. It appears that Respondents are engaged in telephone solicitations to telephone lines of subscriber in North Dakota who, for at least 31 days before the date the call is made, has been on the North Dakota or Federal Trade Commission do-not-call list, in violation of N.D.C.C. ch. 51-28, the Do Not Call law.

10. It appears that Respondents are marketing, soliciting and selling merchandise to North Dakota consumers, without providing consumers with the necessary notices of right to cancel, as required by the North Dakota Home Solicitation Sales statute, N.D.C.C. ch. 51-18, and are soliciting or accepting payments from North Dakota consumers prior to receiving an original copy of the sales contract signed by the consumer, in violation of N.D.C.C. § 51-18-04.2.

11. Violations of N.D.C.C. ch. 51-28 are violations of N.D.C.C. ch. 51-15.

12. Violations of N.D.C.C. ch. 51-18 are violations of N.D.C.C. ch. 51-15.

13. On December 2, 2009 consumers filed a complaint with the Attorney General alleging that: 1) they paid Respondents \$4,213 for services that were promised but not provided; 2) Respondents informed them Respondents had a buyer when, in fact, Respondents did not have any buyer; 3) they had been unable to contact the Respondents or leave any messages after many telephone calls; 4) they finally reached a person claiming to be an hourly employee who claimed their file had been turned over to the "refund department," despite that the consumers had not received any refund; and 5) they have not received a refund of their \$4,213 payment.

14. The Attorney General called Respondent C & G Marketing Associates, LLC on December 3, 2009 to discuss the North Dakota consumer complaint and violations of North Dakota law. Respondent C & G Marketing Associates, LLC has failed to respond to the Attorney General's call. The Petitioner's attempt to secure information from Respondents has been unsuccessful.

15. Each of the Respondents is engaged in a combination of two or more persons who have agreed to act together to inflict a wrong or an injury upon another, or who have agreed to act together to commit a lawful act using unlawful means to inflict a wrong or injury upon another, namely violation of North Dakota's Consumer Fraud, Home Solicitation Statute, and Do Not Call Law. In doing so, Respondents have committed acts in pursuit of the agreement and the agreement has proximately caused damage to North Dakota consumers.

16. Respondents are liable for their own misconduct and/or for directing others to engage in misconduct. See *e.g. Zimprich v. North Dakota Harvestore Sys., Inc.*, 419 N.W.2d 912, 914 (N.D. 1988); *Rickbeil v. Grafton Deaconess Hosp.*, 23 N.W.2d 247, 257 (N.D. 1946)("The general rule with reference to this feature is considered and set out in the great series of volumes of jurisprudence familiar to the courts. In 52 Am. Jur., 440, this rule is stated, 'It is a conceded general rule that all persons or entities are liable for torts committed by them, or by their agents while acting within the scope of their duties.'").

17. Respondents who are natural persons will additionally be subject to personal liability for corporate misconduct. *Hilzendager v. Skwarok*, 335 N.W.2d 768 (N.D. 1983)(quoting *Schriock v. Schriock*, 128 N.W.2d 852, 866 (N.D. 1964)("... but, when the notion of legal entity is used to defeat public convenience, justify wrong,

protect fraud, or defend crime, the law will regard the corporation as an association of persons.' Fletcher, Private Corporations Sec. 41 (1963 rev. vol.)."). The crime/fraud exception to the protections of corporate form has long been recognized in North Dakota, "neither law nor equity will ever recognize the right of a corporate entity to become the receptacle or cover for fraud or wrong based on deception for the purpose of defeating the right of innocent parties." *McFadden v. Jenkins*, 169 N.W. 151, 163 (N.D. 1918). See also *Danks v. Holland*, 246 N.W.2d 86 (N.D. 1976); *Family Center Drug v. North Dakota St. Bd. of Pharm.*, 181 N.W.2d 738, 745 (N.D. 1970).

ORDER

NOW, THEREFORE, IT IS ORDERED pursuant to N.D.C.C. § 51-15-07 that Respondents, individually, and where applicable their officers, directors, owners, agents, servants, employees, contractors, representatives (extending to all "doing business as" names, formal corporate names, aliases, fictitious names of any kind or any variations of the same) as well as all other persons in active concert or participation with them, whether directly or indirectly, immediately **CEASE AND DESIST** from: 1) soliciting or selling to North Dakota consumers services related to buying or selling timeshares property; 2) soliciting or selling to North Dakota consumers timeshare property listings; 3) soliciting using untrue, deceptive or misleading representations to consumers or engaging in deceptive acts or practices, fraud, false pretenses, false promises or misrepresentations with the intent that consumers rely thereon, in violation of N.D.C.C. § 51-15-02; 4) advertising, soliciting, or selling to North Dakota consumers merchandise without providing the consumer the written and verbal notice of rights to cancel as required by N.D.C.C. ch. 51-18; 5) soliciting or accepting any payment from a North Dakota consumer before Respondents have received an original copy of the

sales contract signed by the consumer, in violation of N.D.C.C. § 51-18-04.2; and 6) engaging in telephone solicitations to the telephone line of any subscriber in North Dakota who, for at least 31 days before the date the call is made, has been on the North Dakota or Federal Trade Commission do-not-call list. Respondents also shall immediately **CEASE AND DESIST** from issuing any invoices or bills to North Dakota consumers for the sale or listing of timeshare property listings, memberships, or other services related to the sale of timeshare properties and **CEASE AND DESIST** from taking any payments from North Dakota consumers including, but not limited to, direct debits or withdrawals from North Dakota consumers' bank accounts, cash, checks, or credit card payments for the sale of timeshare property listings, memberships, or other services related to the sale or listing of timeshare properties.

YOU ARE NOTIFIED that pursuant to N.D.C.C. § 12.1-09-03 a person is guilty of a criminal offense if he or she intentionally "alters, destroys, mutilates, conceals, or removes a record, document, or thing with intent to impair its verity or availability" in an official proceeding. As such, intentional destruction of any documents related to this matter may result in criminal prosecution.

NOTICE OF CIVIL PENALTIES

YOU ARE FURTHER NOTIFIED that pursuant to N.D.C.C. § 51-15-07 any violation of this Cease and Desist Order is subject to civil penalties not to exceed \$1,000 per violation. Any violation of this Order that also is a violation of N.D.C.C. ch. 51-15 may result in additional civil penalties of not more than \$5,000 per violation. Any violation of this Order that also is a violation of N.D.C.C. ch. 51-18 may result in additional civil penalties of not more than \$5,000 per violation and is a Class B misdemeanor. Any violation of this Order that also is a violation of N.D.C.C. ch. 51-28 may result in additional

civil penalties of not more than \$2,000 per violation and additional civil penalties of not more than \$5,000 per violation as a separate violation of N.D.C.C. ch. 51-15. Such penalties are separate and in addition to any civil penalties, costs, expenses, investigation fees, and attorney fees pursuant to N.D.C.C. ch. 51-15 or any other applicable statute. Nothing in this Order is intended to limit or waive any rights and remedies available to the State of North Dakota or consumers.

NOTICE OF RIGHT TO REQUEST HEARING

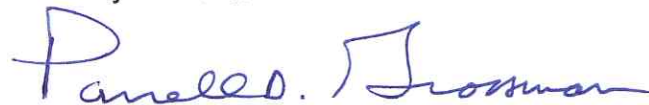
YOU ARE NOTIFIED that pursuant to N.D.C.C. § 51-15-07 you may request a hearing before the Attorney General if such a request is made in writing WITHIN TEN (10) DAYS AFTER THE RECEIPT OF THIS ORDER. Respondents have the right to be represented by legal counsel at the hearing.

Dated this 8th day of December, 2009.

STATE OF NORTH DAKOTA

Wayne Stenehjem
Attorney General

BY:



Parrell D. Grossman, ID No. 04684
Assistant Attorney General
Director
Consumer Protection and
Antitrust Division
Office of Attorney General
Gateway Professional Center Suite 200
Bismarck, ND 58503-5574
(701) 328-3404